

**Amendment and Response**

Applicant: Barbara Elaine Blair et al.

Serial No.: 10/632,071

Filed: July 31, 2003

Docket No.: 10012692-1

Title: SYSTEM AND METHOD FOR TRANSFERRING DIGITAL CONTENT ON A MEMORY CARD**REMARKS**

The following remarks are made in response to the Final Office Action mailed November 15, 2007, in which claims 1, 2, 4, 6, 9-10, 14-16, and 18-19 were rejected. Claims 3, 5, 7-8, 11-13, and 17 were previously canceled. With this Response, claims 1-2, 4, 6, 9-10, 14-16, and 18-19 have been amended and new claims 20-24 have been added. Claims 1, 2, 4, 6, 9-10, 14-16, and 18-24 are pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 102**

In the Office Action, claims 1, 2, 4, 6, 9-10, 14-16, and 18-19 were rejected under 35 U.S.C. 102(e) as being anticipated by Morohashi US Patent 7,130,251 (the Morohashi Patent).

Applicants' independent claim 1 provides a digital content transfer system comprising an audio memory card, a memory card reader, a controller, and an interactive graphical display. The audio memory card defines a memory device that is independent of, and separate from, a media player. The memory card reader is configured to removably receive, via slidable insertion, the audio memory card and configured to write at least one portable audio file into the audio memory card. The controller is configured to direct transfer of the at least one portable audio file, independent of a personal computer, via a modem directly between an internet-located digital content service provider and the audio memory card. The interactive graphical display is configured to display information regarding the at least one portable audio file and configured to direct transfer of the at least one portable audio file via activatable functions on the display. The interactive graphical display includes an audio file selector configured to enable selection of the at least one portable audio file from plurality of portable audio files for transfer from the internet-located digital content service provider directly into the audio memory card.

In contrast, the Morohashi Patent identifies a method of transferring musical data from an audio server to a portable audio-data playback with ease. See Column 2, lines 44-46. In particular, a music server 50 is capable of playing back a CD (inserted into insertion unit 54 of music server 50) and includes a recording medium (e.g., hard disc) to record the playback data from the CD for storage in the music server 50. See Column 4, lines 26-47.

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However, despite this internal storage device (i.e., recording medium), the music server 50 of the Morohashi Patent fails to teach a **memory card reader** configured to **removably receive, via slidable insertion**, an audio memory card and configured to write at least one portable audio file into the audio memory card. Moreover, because the music server 50 includes both a recording medium (e.g., a hard drive) and is capable of playing back a CD (or stored musical data), the music server 50 of the Morohashi Patent teaches away from the **audio memory card defining a memory device independent of, and separate from, a media player**, as recited in Applicants' independent claim 1.

The Morohashi Patent also discloses that the music server 50 is connectable to an internet server 60 to acquire information, such as titles of musical CDs, titles of songs, name of a performer, a song composer, a libretto writer, a libretto, a jacket image, a Table of Contents, and a playback duration. This information can be stored in, and displayed at, music server 50. See Column 5, lines 28-41 and Column 7, line 15 – Column 8, line 11. The internet server 60 also carries out a fee charging process for high speed recording from the CD being played in the musical server 50 to the recording medium of the musical server 50. See Column 5, lines 41-53. While the Morohashi Patent discloses transmitting musical data from internet server 60 (via external network 19) to music server 50 (see, for example, Column 11, lines 3-13), the Morohashi Patent still fails to disclose or suggest a controller configured to direct transfer of the at least one portable audio file, independent of a personal computer, via a modem from an internet-located digital content service provider **directly** into the audio memory card, as recited in Applicants' independent claim 1. Applicants' claimed arrangement provides for direct transfer into the audio memory card (which is portable by virtue of being removably, slidably insertable into the card reader), which is substantially different than the transmission to the music server 50 in the Morohashi Patent because the music server 50 acts as both a recording medium and a media player (as noted above) and because the music server 50 is apparently less portable than the audio memory card.

Moreover, despite the long description of the types of information transferable from the internet server 60 to the music server 50, the Morohashi Patent also fails to disclose an interactive graphical display including an audio file selector configured to enable selection of the at least one portable audio file from plurality of portable audio files for transfer from the

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internet-located digital content service provider **directly** to the audio memory card, as recited in Applicants' independent claim 1.

The Morohashi Patent also discloses that a portable recording and playback apparatus 70 can be connected to the music server 50 for transfer of music (stored or recorded in music server 50) to the apparatus 70 for recording the music in the apparatus 70 (see, for example, Column 6, lines 5-11). However, this particular transfer arrangement (between apparatus 70 and server 50) in Morohashi Patent fails to provide a controller configured to direct transfer of the at least one portable audio file, independent of a personal computer, via a modem from **an internet-located digital content service provider directly into the audio memory card**, as recited in Applicants' independent claim 1.

With regard to the portable playback and recording apparatus 70, the Morohashi Patent discloses that the portable recording and playback apparatus 70 includes a hard disc or a flash memory or other kind of storage medium or recording medium (see Column 5, line 65 – Column 6, line 5), although no details are provided regarding the "other kind" of storage medium. In addition, the Morohashi Patent discloses that portable recording and playback apparatus 70 can be mounted on music server 50 (see, for example, Column 6, lines 40-44; Column 24, lines 16-27; and Figure 11). However, whether referring to the music server 50 or the portable playback and recording apparatus 70, neither includes **a memory card reader** configured to **removably receive, via slidable insertion**, an audio memory card and configured to write at least one portable audio file into the audio memory card, and neither provides **audio memory card defining a memory device independent of, and separate from, a media player**, as recited in Applicants' independent claim 1.

Instead, the portable recording and playback apparatus 70, as its name implies, comprises both a memory device and a media player. Similarly, as noted above, the music server 50 includes a recording medium (e.g., hard drive) and is capable of playing back CDs, thereby acting as media player. Therefore, both the music server 50 and the portable recording and playback apparatus 70 of the Morohashi Patent teach away from Applicants' feature of an audio memory card that is independent of, and separate from, a media player, as recited in Applicants' independent claim 1.

Accordingly, despite the many different aspects of the music server 50 and the portable playback and recording apparatus 70 of the Morohashi Patent, neither of these

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components (alone or in combination) provide the features of the method recited in Applicants' independent claim 1.

For at least these reasons, the Morohashi Patent fails to anticipate and fails to reasonably render obvious Applicants' independent claim 1, and therefore Applicants respectfully submit that independent claim 1 is patentable and allowable over the Morohashi Patent. Dependent claims 2, 4, 6, and 9-10 are believed to be allowable as they further define patentably distinct independent claim 1.

Applicants' independent claim 14 specifies a method of transferring a portable music file independent of a personal computer. The method comprises removably, slidably inserting into a single appliance, independent of the personal computer, a plurality of memory cards including at least one of a music memory card and a multimedia memory card. Each respective memory card defines a memory device independent of, and separate from, a media player. A portable music file is written, via the single appliance independent of the personal computer and via an internet communication link, from an internet-located digital content service provider directly into at least one of the respective memory cards.

In contrast, the Morohashi Patent identifies a method of transferring musical data from an audio server to a portable audio-data playback with ease. See Column 2, lines 44-46. In particular, a music server 50 is capable of playing back a CD (inserted into insertion unit 54) and includes a recording medium (e.g., hard disc) to record the playback data from the CD for storage in the music server 50. See Column 4, lines 26-47. However, despite this internal storage device (i.e., recording medium), the music server 50 of the Morohashi Patent fails to teach **removably, slidably inserting into** the single appliance an audio memory **card** (or multimedia card). Moreover, because the music server 50 includes both a recording medium and playback of CDs (e.g., a media player), the Morohashi Patent teaches away from **memory cards that define a memory device independent of, and separate from, a media player**, as recited in Applicants' independent claim 14.

The Morohashi Patent also discloses that the music server 50 is connectable to an internet server 60 to acquire information, such as titles of musical CDs, titles of songs, name of a performer, a song composer, a libretto writer, a libretto, a jacket image, a Table of Contents, and a playback duration. This information can be stored in, and displayed at,

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music server 50. See Column 5, lines 28-41 and Column 7, line 15 – Column 8, line 11. The internet server 60 also carries out a fee charging process for high speed recording from the CD being played in the musical server 50 to the recording medium of the musical server 50. See Column 5, lines 41-53.

While the Morohashi Patent discloses transmitting musical data from internet server 60 (via external network 19) to music server 50 (see, for example, Column 11, lines 3-13), the Morohashi Patent still fails to disclose or suggest **writing the portable audio file**, via the single appliance independent of the personal computer and via an internet communication link, **from an internet-located digital content service provider directly into at least one of the respective memory cards**, as recited in Applicants' independent claim 14. Applicants' claimed arrangement provides for direct transfer into the one of the respective memory cards (which is portable by virtue of being removably, slidably insertable into the single appliance), which is substantially different than the transmission to the music server 50 in the Morohashi Patent because the music server 50 acts as both a recording medium and a media player (as noted above) and the music server 50 is apparently less portable than the one of the respective memory cards.

Therefore, the Morohashi Patent is in sharp contrast to, and fails to disclose or suggest, writing a **portable music file**, via the single appliance independent of the personal computer and **via an internet communication link, from an internet-located digital content service provider directly into** at least one of a music memory card and a multimedia memory card, as recited in Applicants' independent claim 14.

The Morohashi Patent also discloses that a portable recording and playback apparatus 70 can be connected to the music server 50 for transfer of music (stored or recorded in music server 50) to the apparatus 70 for recording the music in the apparatus 70 (see, for example, Column 6, lines 5-11). However, this particular transfer arrangement in Morohashi Patent fails to provide writing a **portable music file**, via the single appliance independent of the personal computer and **via an internet communication link, from an internet-located digital content service provider directly into** at least one of the respective memory cards (e.g., the music memory card and the multimedia memory card), as recited in Applicants' independent claim 14.

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With regard to the portable playback and recording apparatus 70, the Morohashi Patent discloses that the portable recording and playback apparatus 70 includes a hard disc or a flash memory or other kind of storage medium or recording medium (see Column 5, line 65 – Column 6, line 5). In addition, the Morohashi Patent discloses that portable recording and playback apparatus 70 can be mounted on music server 50 (see, for example, Column 6, lines 40-44; Column 27, lines 16-27; and Figure 11). However, whether referring to the music server 50 or the portable playback and recording apparatus 70, neither is configured to receive via **removable insertion into** the single appliance an audio memory card (or multimedia card), **wherein the respective memory cards define a memory device independent of, and separate from, a media player**, as recited in Applicants' independent claim 14.

Instead, the portable recording and playback apparatus 70, as its name implies, comprises both a memory device and a media player. Similarly, as noted above, the music server 50 includes a recording medium (e.g., hard drive) and is capable of playing back CDs, thereby acting as a media player. Therefore, both the music server 50 and the portable recording and playback apparatus 70 of the Morohashi Patent teach away from Applicants' feature of **an audio memory card (or a multimedia memory card) that define a memory device is independent of, and separate from, a media player**, as recited in Applicants' independent claim 14.

Accordingly, despite the many different aspects of the music server 50 and the portable playback and recording apparatus 70 of the Morohashi Patent, neither of these components (alone or in combination) provide the features of the method recited in Applicants' independent claim 14.

For at least these reasons, the Morohashi Patent fails to anticipate Applicants' independent claim 14, and therefore Applicants respectfully submit that independent claim 14 is patentable and allowable over the Morohashi Patent. Dependent claims 15-16 and 18-19 are believed to be allowable as they further define patentably distinct independent claim 1.

In light of the above, Applicants respectfully request withdrawal of the above rejections of claims 1-2, 4, 6, 9-10, 14-16, and 18-19 under 35 U.S.C. §103 and respectfully request allowance of these claims.

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**New Claims**

Applicants have submitted new claims 20-24, which further specify the nature of the portable audio or music files that are recited in independent claims 1 and 14, respectively. Accordingly, favorable consideration and allowance of new claims 20-24 is respectfully requested.

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**CONCLUSION**

In view of the above, Applicants respectfully submit that pending claims 1, 2, 4, 6, 9-10, 14-16, and 18-24 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1, 2, 4, 6, 9, 10, 14-16, and 18-24 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicants' representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Paul S. Grunzweig at Telephone No. (612) 767-2504, Facsimile No. (612) 573-2005 or Manisha Chakrabarti at Telephone No. Phone (630) 355-3376, Facsimile No. (630) 355-3376. In addition, all correspondence should continue to be directed to the following address:

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